

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
IN RE TREMONT SECURITIES LAW, STATE LAW:  
AND INSURANCE LITIGATION. :

Master File No.:  
08 Civ. 11117 (TPG)

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:  
This Document Relates to: State Law Actions :  
08 Civ. 11183 (TPG). :

ECF Case – Filed Electronically

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law of defendant The Bank of New York Mellon Corporation in support of its Motion to Dismiss, the accompanying declaration of Jeffrey A. Rosenthal and all the prior pleadings and proceedings herein, The Bank of New York Mellon Corporation (on behalf of itself and dissolved entity BNY Alternative Investment Services, Inc.) will move before the Honorable Thomas P. Griesa, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order, under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice the complaint against it in the above-captioned action.

PLEASE FURTHER TAKE NOTICE that The Bank of New York Mellon Corporation requests that oral argument be heard if this motion is opposed.

PLEASE TAKE FURTHER NOTICE that answering papers shall be served and filed in accordance with Local Rule 6.1 of this Court, or as otherwise ordered by the Court.

Dated: May 20, 2009  
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

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